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Public Act No. 05-247

AN ACT CONCERNING THE LIS PENDENS STATUTE, THE VALIDATION OF CERTAIN CONVEYANCES, NOMINATIONS AND GRANTS PURSUANT TO THE SMALL TOWN ECONOMIC ASSISTANCE PROGRAM, EXTENSIONS OF FILING DEADLINES FOR CERTAIN TAX EXEMPTIONS AND FOR LICENSURE IN SWIMMING POOL MAINTENANCE AND REPAIR, EXEMPTION FROM DECK WIDTH REQUIREMENTS FOR CERTAIN SWIMMING POOLS, AND AMENDMENTS TO THE CHARTER OF THE GROVE BEACH POINT ASSOCIATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (d) of section 47-36aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(d) Defect where fiduciary conveyed to self. Any recorded deed, mortgage, lease, release, assignment or other instrument made for the purpose of conveying, leasing, mortgaging or affecting any interest in real property in this state, [recorded after January 1, 1997,] which instrument is executed by a fiduciary, but which instrument is voidable because the fiduciary is the grantee, mortgagee, leasee, releasee or assignee designated in such instrument, is as valid as if it had been executed without the defect unless an action is commenced to avoid and set aside such instrument and a notice of lis pendens is

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recorded in the land records of the town or towns where the instrument is recorded within ten years from the date of recording of such instrument.

Sec. 2. Subsection (c) of section 52-325 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(c) Notwithstanding the provisions of subsection (a) of this section, in any action except a suit to foreclose a mortgage or other lien, no recorded notice of lis pendens shall be valid or constitute constructive notice thereof unless the party recording such notice, not later than thirty days after such recording, serves a true and attested copy of the recorded notice of lis pendens upon the owner of record of the property affected thereby. The notice shall be served upon the owner, if [he] the owner resides in the same town in which the real property is located, by any proper officer or indifferent person, by leaving a true and attested copy of such recorded notice with [him] the owner or at [his] the owner's usual place of abode. If the property owner does not reside in such town, such copy may be served by any proper officer or indifferent person, by mailing such copy, by registered or certified mail, to the owner at the place where [he] the owner resides. If such copy is returned unclaimed, notice to such property owner shall be given by publication in accordance with the provisions of section 1-2. If the property owner is a nonresident individual [,] or foreign partnership, or [his or its] the executor or administrator of the nonresident individual or foreign partnership, the notice may be served upon the Secretary of the State as provided in subsection (c) of section 52-59b and if the property owner is a foreign corporation, the notice may be served as provided in section 33-519 or 33-929. When there are two or more property owners of record, a true and attested copy of such recorded notice shall be so served on each property owner. A certified copy of the recorded notice of lis pendens, with the

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return of the person who served it, endorsed thereon, shall be returned to the party who recorded [such] the notice who shall file a copy of the return with the clerk of the court in which the action is brought. The clerk shall include the copy in the record.

Sec. 3. (*Effective from passage*) Notwithstanding the provisions of subparagraph (c) of subdivision (59) of section 12-81 of the general statutes, any person otherwise eligible for an exemption under said subdivision, relating to a manufacturing facility in the city of Norwalk pursuant to subparagraph (a) of said subdivision (59) for grand list year 2003, except that such person failed to make application within the time specified in said subparagraph (c), may submit an application for exemption not later than thirty days after the effective date of this section. The application shall be accompanied by the fee required by section 12-81k of the general statutes. Upon receipt of the application and fee and verification of the exemption eligibility, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the municipality shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the application had been filed in a timely manner. Notwithstanding the provisions of section 12-94e of the general statutes, the municipality may submit such approved exemption application to the Secretary of the Office of Policy and Management. Notwithstanding the time for filing with said secretary specified in section 32-9s of the general statutes, the municipality shall be eligible for payment pursuant to said section 32-9s. Such payment shall be included in the next certification said secretary makes to the Comptroller under the provisions of said section 32-9s.

Sec. 4. (*Effective from passage*) Notwithstanding the provisions of subparagraph (c) of subdivision (60) of section 12-81 of the general statutes, any person otherwise eligible for an exemption under said

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subdivision, relating to a manufacturing facility in the city of Norwalk pursuant to subparagraph (a) of said subdivision (60) for grand list year 2003, except that such person failed to make application within the time specified in said subparagraph (c), may submit an application for exemption not later than thirty days after the effective date of this section. The application shall be accompanied by the fee required by section 12-81k of the general statutes. Upon receipt of the application and fee and verification of the exemption eligibility of the machinery and equipment included in such application, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the municipality shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the application had been filed in a timely manner. Notwithstanding the provisions of section 12-94e of the general statutes, the municipality may submit such approved exemption application to the Secretary of the Office of Policy and Management. Notwithstanding the time for filing with said secretary specified in section 32-9s of the general statutes, the municipality shall be eligible for payment pursuant to said section 32-9s. Such payment shall be included in the next certification said secretary makes to the Comptroller under the provisions of said section 32-9s.

Sec. 5. (*Effective from passage*) Notwithstanding the provisions of subparagraph (B) of subdivision (72) of section 12-81 of the general statutes, any person otherwise eligible for a 2004 grand list exemption pursuant to said subdivision in the city of Milford, except that such person failed to file the required exemption application within the time period prescribed, shall be regarded as having filed said application in a timely manner if such person files said application not later than thirty days after the effective date of this section and pays the late filing fee pursuant to section 12-81k of the general statutes. Upon confirmation of the receipt of such fee and verification of the

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exemption eligibility of the machinery and equipment included in such application, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the city of Milford shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the application had been filed in a timely manner. Notwithstanding the provisions of subsection (a) of section 12-94b and section 12-94e of the general statutes, the assessor of the city of Milford may submit such approved exemption application to the Secretary of the Office of Policy and Management together with a request for reimbursement of the tax loss resulting from such exemption. Subject to the secretary's review and approval of such exemption, such reimbursement shall be included in the next certification the secretary makes to the Comptroller under the provisions of section 12-94b of the general statutes.

Sec. 6. (*Effective from passage*) Notwithstanding the provisions of subparagraph (B) of subdivision (72) of section 12-81 of the general statutes, any person otherwise eligible for a 2004 grand list exemption pursuant to said subdivision in the town of Bloomfield, except that such person failed to file the required exemption application within the time period prescribed, shall be regarded as having filed said application in a timely manner if such person files said application not later than thirty days after the effective date of this section and pays the late filing fee pursuant to section 12-81k of the general statutes. Upon confirmation of the receipt of such fee and verification of the exemption eligibility of the machinery and equipment included in such application, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the town of Bloomfield shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the application had been filed in a timely manner. Notwithstanding the provisions of subsection (a) of section 12-94b and

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section 12-94e of the general statutes, the assessor of the town of Bloomfield may submit such approved exemption application to the Secretary of the Office of Policy and Management together with a request for reimbursement of the tax loss resulting from such exemption. Subject to the secretary's review and approval of such exemption, such reimbursement shall be included in the next certification said secretary makes to the Comptroller under the provisions of section 12-94b of the general statutes.

Sec. 7. (*Effective from passage*) Notwithstanding the provisions of any general or special act or ordinance or regulation of the town of New Fairfield, any plan or map of a division of a tract or parcel of land into three or more parts or lots that was filed on the land records of said town between July 2, 1948, and March 4, 1964, and that does not have endorsed thereon the approval of the planning and zoning commission, is hereby validated as of the date of said filing as an approved and endorsed subdivision or resubdivision in the town of New Fairfield.

Sec. 8. (*Effective from passage*) Notwithstanding the provisions of section 4-7 of the general statutes, with respect to the confirmation by the Senate or the House of Representatives of an executive or legislative nomination within ten calendar days of the report of such nomination by the joint standing committee on executive and legislative nominations, any such nomination confirmed during the 2005 regular session of the General Assembly which is otherwise valid is hereby validated and confirmed.

Sec. 9. Subsection (d) of section 20-417aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any person engaged in swimming pool maintenance and repair work prior to July 1, 1999, may apply to the Department of Consumer

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Protection for the appropriate limited license and such license shall be issued without examination upon demonstration by the applicant of experience and training equivalent to the experience and training required to qualify for examination for the appropriate limited license, if such applicant makes such application to the department not later than January 1, [2002] 2006.

Sec. 10. (*Effective from passage*) Notwithstanding the provisions of section 16a-31 of the general statutes, no municipality that has a population of less than fifteen thousand as determined by the most recent decennial census and in which at least five thousand five hundred acres of land but not more than six thousand acres of land is owned by a regional water authority shall be denied a grant pursuant to section 4-66g of the general statutes for a sewer project solely because such project is not consistent with the locational guide map accompanying the state plan of conservation and development adopted under chapter 297 of the general statutes.

Sec. 11. (*Effective from passage*) Notwithstanding the provisions of subparagraph (B) of subdivision (72) of section 12-81 of the general statutes, any person otherwise eligible for a 2001 and 2002 grand lists exemption pursuant to said subdivision in the town of East Hartford, except that such person failed to file the required exemption applications within the time period prescribed, shall be regarded as having filed said applications in a timely manner if such person files said applications not later than thirty days after the effective date of this section and pays the late filing fee pursuant to section 12-81k of the general statutes. Upon confirmation of the receipt of such fee and verification of the exemption eligibility of the machinery and equipment included in such applications, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the town of East Hartford shall reimburse such person in an amount equal to the

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amount by which such taxes exceed the taxes payable if the applications had been filed in a timely manner. Notwithstanding the provisions of subsection (a) of section 12-94b and section 12-94e of the general statutes, the assessor of the town of East Hartford may submit such approved exemption applications to the Secretary of the Office of Policy and Management together with a request for reimbursement of the tax loss resulting from such exemption. Subject to the secretary's review and approval of such exemption, such reimbursement shall be included in the next certification said secretary makes to the Comptroller under the provisions of section 12-94b of the general statutes.

Sec. 12. (*Effective from passage*) Notwithstanding the provisions of subparagraph (c) of subdivision (59) of section 12-81 of the general statutes, any person otherwise eligible for an exemption under said subdivision, relating to a manufacturing facility in the city of Norwalk pursuant to subparagraph (a) of said subdivision (59) for grand list years 2002, 2003 and 2004, except that such person failed to make applications within the time specified in said subparagraph (c), may submit applications for exemption not later than thirty days after the effective date of this section. The applications shall be accompanied by the fee required by section 12-81k of the general statutes. Upon receipt of the applications and fee and verification of the exemption eligibility, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the municipality shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the applications had been filed in a timely manner. Notwithstanding the provisions of section 12-94e of the general statutes, the municipality may submit such approved exemption applications to the Secretary of the Office of Policy and Management. Notwithstanding the time for filing with said secretary specified in section 32-9s of the general statutes, the municipality shall be eligible for payment pursuant to said

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section 32-9s. Such payment shall be included in the next certification said secretary makes to the Comptroller under the provisions of said section 32-9s.

Sec. 13. (*Effective from passage*) Notwithstanding the provisions of subparagraph (c) of subdivision (60) of section 12-81 of the general statutes, any person otherwise eligible for an exemption under said subdivision, relating to a manufacturing facility in the city of Norwalk pursuant to subparagraph (a) of said subdivision (60) for grand list years 2002, 2003 and 2004, except that such person failed to make applications within the time specified in said subparagraph (c), may submit applications for exemption not later than thirty days after the effective date of this section. The applications shall be accompanied by the fee required by section 12-81k of the general statutes. Upon receipt of the applications and fee and verification of the exemption eligibility of the machinery and equipment included in such applications, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the municipality shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the applications had been filed in a timely manner. Notwithstanding the provisions of section 12-94e of the general statutes, the municipality may submit such approved exemption applications to the Secretary of the Office of Policy and Management. Notwithstanding the time for filing with said secretary specified in section 32-9s of the general statutes, the municipality shall be eligible for payment pursuant to said section 32-9s. Such payment shall be included in the next certification said secretary makes to the Comptroller under the provisions of said section 32-9s.

Sec. 14. (*Effective from passage*) Notwithstanding the provisions of subparagraph (B) of subdivision (72) of section 12-81 of the general statutes, any person otherwise eligible for a 2004 grand list exemption

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pursuant to said subdivision in the town of Branford, except that such person failed to file the required exemption application within the time period prescribed, shall be regarded as having filed said application in a timely manner if such person files said application not later than thirty days after the effective date of this section and pays the late filing fee pursuant to section 12-81k of the general statutes. Upon confirmation of the receipt of such fee and verification of the exemption eligibility of the machinery and equipment included in such application, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the town of Branford shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the application had been filed in a timely manner. Notwithstanding the provisions of subsection (a) of section 12-94b and section 12-94e of the general statutes, the assessor of the town of Branford may submit such approved exemption application to the Secretary of the Office of Policy and Management together with a request for reimbursement of the tax loss resulting from such exemption. Subject to the secretary's review and approval of such exemption, such reimbursement shall be included in the next certification the secretary makes to the Comptroller under the provisions of section 12-94b of the general statutes.

Sec. 15. Section 3 of number 148 of the special acts of 1945, as amended by number 223 of the special acts of 1947, is amended to read as follows (*Effective from passage*):

The objects of said association shall be: To provide for the improvement of the land within the limits of said association, its maintenance as a residential [summer resort] community and for the health, comfort, protection, safety and welfare of the inhabitants thereof. All owners of a cottage or dwelling or other real estate within said limits [, and all persons who shall after this act shall take effect,

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own any cottage, dwelling or other real estate within said limits,] shall, provided they are twenty-one years of age, be members of said [The] Grove Beach Point Association and shall be entitled to vote in any meeting of such members and shall be eligible to any office provided for in this charter. Joint owners of any cottage, dwelling or other real estate within said limits shall be considered for voting purposes as one member of said association. The husband or wife of an owner shall be a member of said association but shall not be empowered to vote at any meeting of said association except by proxy of such owner.

Sec. 16. Section 4 of number 148 of the special acts of 1945, as amended by section 3 of number 223 of the special acts of 1947, is amended to read as follows (*Effective from passage*):

[The first meeting of the members of said association shall be held during the month of May, 1945, at such time and place within the limits of said The Grove Beach Point Association as the committee hereinafter named shall designate in the warning of such meeting, for the purpose of electing a board of governors, who shall hold office until the next annual meeting and until others shall be chosen in their stead. Annual meetings shall be held during the month of May, in each year, at such time and place within the limits of said association as said board of governors shall direct and at such meeting a board of governors of nine members shall be elected to serve for one year from their election and until others shall be chosen in their stead. At the annual meeting in May, 1947, there shall be elected a board of governors of nine members: Three for the term of one year; three for the term of two years and three for the term of three years, and at each annual meeting thereafter, successors to the members whose terms expire shall be elected for a term of three years each.] The Board of Governors shall consist of nine members, three of whom shall be elected at each annual meeting to serve a term of three years or until others shall be chosen in their stead.

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Sec. 17. Section 5 of number 148 of the special acts of 1945 is amended to read as follows (*Effective from passage*):

[Arthur N. Rutherford, John N. Russell, Elmer E. Bassett, Paul A. Stahl and Frederic W. Loomis or a majority of them shall have power to warn the first meeting of the members of said association, which warning shall be written or printed and signed by a majority of said committee and three or more copies shall be posted in public places within the limits of said association. At least five days before such meeting, written notice thereof shall be mailed to each property owner of said association in accordance with addresses of such property owners appearing on the records of the tax collector of the town of Westbrook. A member of such committee shall call such meeting to order. Such meeting shall choose a moderator and clerk and shall elect each member of the board of governors separately by ballot. All subsequent meetings, annual or special, shall be warned by the Board of Governors in the manner prescribed in rules or by-laws adopted by said association.] Annual meetings of said association shall be held during the month of May in each year, at such time and place within the limits of the association as the Board of Governors shall direct. Such meeting shall choose a moderator and clerk for such meeting and shall elect members of the board by ballot, unless otherwise specified by a majority of those members present.

Sec. 18. Section 6 of number 148 of the special acts of 1945, as amended by section 4 of number 223 of the special acts of 1947, is amended to read as follows (*Effective from passage*):

Any vacancy occurring in the membership of [said] The Board of Governors between annual meetings shall be filled by a majority of the remaining members of the Board of Governors, until the next annual meeting, at which time the members of the association shall elect as above prescribed, a member of the Board of Governors for the unexpired portion of the term. Any vacancy occurring in any office

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between annual meetings, shall be filled by the Board of Governors for the unexpired portion of the term. If there is a tie vote among the remaining members, the vote of the chairman shall determine the outcome.

Sec. 19. Section 7 of number 148 of the special acts of 1945 is amended to read as follows (*Effective from passage*):

[Said association shall have the power to make, alter and repeal by-laws, rules and regulations for its government, and the board of governors shall enforce the same in the name of the association.] Said association shall have the power to hold, purchase, sell and convey such real and personal estate as the purposes of said association shall require. [; and it] It shall have the power to adopt such regulations as it may deem expedient respecting the removal of all garbage, filth, ashes and other refuse matter, within the limits of said association. [, and to] Said Board of Governors shall examine into all nuisances and courses of filth injurious to the public health and cause to be removed all filth found within said limits, which, in its judgment, may endanger the health of the inhabitants or render the occupation of any dwelling undesirable and may notify all persons causing or maintaining any such nuisance to abate the same within such time as the Board of Governors shall order, and if the same shall not be abated as ordered said board may abate the same and recover the expense thereof from any person so causing or maintaining the same by an action in the name of said association. Said board may employ one or more persons to handle the removal of the same under its authority, which person or persons shall be authorized to make entry upon any private property within said limits for the purpose of removing the same. [Said association] Said Board of Governors shall employ one or more persons to carry out the activities approved by said association and may employ one or more persons to act as special police or watchmen of the property within its limits, who shall be empowered to enter

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upon any of the private property within said limits whenever it shall be necessary for the protection of the same from fire, theft, loss or injury; and the judiciary and the police authorities of the town of Westbrook shall punish for the resistance to or obstruction of such special police while in the proper performance of their official duties, in the same manner as through they were duly constituted police officers of the town of Westbrook. Said association shall make all necessary rules and regulations for the care and protection of the open beach above high water mark within the limits therein heretofore acquired by any individuals.

Sec. 20. Section 8 of number 148 of the special acts of 1945, as amended by section 5 of number 223 of the special acts of 1947, is amended to read as follows (*Effective from passage*):

The Board of Governors shall prepare and submit to said association at each annual meeting a budget and shall recommend a tax for the purposes of and based on such budget, of not more than five mills on the dollar of the total value of real estate within the limits of said association as shown by the last-completed grand list of the town of Westbrook, which budget and tax rate shall be posted on [the] a sign-post of said association and mailed to each member of said association not less than five days before such annual meeting. Said association, according to its best judgment of the best interests of all, [of the members of the association,] shall have the power to decrease such budget and rate of taxation recommended by said board, [of governors] but in no case shall it have power to increase such budget and rate of taxation. Said board shall appoint a tax collector to collect such taxes, and a rate book shall be made out and signed by the clerk of said board on or before the third Saturday of [March] June, each year, and warrants may be issued for the collection of money due on such rate bills, pursuant to the provisions of the general statutes. Said board [of governors] shall have the power to transfer expenditures

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from the sums adopted in the annual budget from any one item to any other item in the budget. [provided such transfer shall not exceed two hundred dollars, and provided the total of any such transfers from item to item shall not exceed three hundred fifty dollars.] Said board [of governors] shall have the power to borrow money from a bank with interest if necessary, on account of anticipated collection of taxes, but not exceeding [the sum of five hundred dollars] a sum equal to fifty per cent of the anticipated collection of taxes for any one year.

Sec. 21. Section 9 of number 148 of the special acts of 1945 is amended to read as follows (*Effective from passage*):

Written notice of the rate of such tax and of the amount apportioned to each member of the association shall be sent by the tax collector on or before the [following April fifteenth, and such tax shall be due and payable on the fifteenth of the following May and, if such tax is not paid when due, it shall bear interest at the rate of five per cent per annum, from the date when it was so payable.] thirtieth of June following the annual meeting and such tax shall be due and payable on July first thereafter. If such tax is not paid on or before the following August first, it shall bear interest from the July first due date at the same rate per annum, until paid, as imposed on delinquent taxes by the Town of Westbrook. The tax collector shall have all the powers of collectors of town taxes and shall pay over the taxes as soon as collected to the treasurer of the association. Each such tax, if not paid when due, shall be a lien upon the property upon which it shall be laid for one year from the time of the laying of such tax.

Sec. 22. Section 10 of number 148 of the special acts of 1945 is amended to read as follows (*Effective from passage*):

Said association may collect all such taxes from the several owners of such properties by action at law in the name of said association, and any money due on any such tax shall be a lien upon the property of

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any such owner, [which may] provided a tax lien has been filed on the land records in the office of the town clerk of the Town of Westbrook, which lien may be foreclosed in the same manner in which liens for taxes due the town of Westbrook are foreclosed. The Board of Governors may abate any tax if any taxable property shall be destroyed by fire, or by the elements prior to the date when such tax was due, or by a three-quarters vote of those present at any meeting may abate the taxes assessed as aforesaid upon any such person or persons as are poor and indigent and unable to pay the same, causing a proper entry to be made on its records.

Sec. 23. Section 11 of number 148 of the special acts of 1945, as amended by section 6 of number 223 of the special acts of 1947, is amended to read as follows (*Effective from passage*):

[Seven] Fifteen members of said association shall constitute a quorum for the transaction of business at any meeting of said association, and any member may designate in writing any person to act as his or her proxy at any meeting of said association, provided such proxy shall be valid only for the next meeting subsequent to the execution of such proxy, unless otherwise designated in such proxy. Unless otherwise specifically set forth in this section, all matters to be decided by the members of the association shall be decided by a majority vote of the members present.

Sec. 24. Section 12 of number 148 of the special acts of 1945 is amended to read as follows (*Effective from passage*):

Notice in writing of each meeting of the association stating the purpose of the meeting shall be given by the clerk by letter of card, postage prepaid, addressed to each member of the association and mailed to the address of property owners appearing on the records of the tax collector of the Town of Westbrook, at least five days before such meeting.

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Sec. 25. Section 15 of number 148 of the special acts of 1945 is amended to read as follows (*Effective from passage*):

By-laws, rules and regulations of said association may be enacted, altered, amended or repealed at any meeting of the association [if] provided due notice of the same is properly given in the call for such meeting. The Board of Governors shall enforce such bylaws, rules and regulations in the name of the association.

Sec. 26. Section 16 of number 148 of the special acts of 1945, as amended by section 7 of number 223 of the special acts of 1947, is amended to read as follows (*Effective from passage*):

Said Board of Governors shall elect from its members a chairman, a vice chairman, a clerk and a treasurer. The chairman shall preside over all meetings of the board and the association and be the chief executive officer of the association. In the absence of the chairman, the vice chairman, clerk or treasurer shall preside. The clerk shall sign all warnings, notices, orders and by-laws, and shall keep a record of all actions of the association and the Board of Governors. The treasurer shall keep an account of all moneys received and paid out and shall report at each annual meeting, and at other times at the request of a majority of the board of governors. Unless otherwise specifically set forth in this section, all matters to be decided by the Board of Governors shall be decided by a majority vote of the members present. The association shall purchase liability insurance which insures each member of the Board of Governors against errors, omissions and other acts performed in their capacity as a member of the board. Such policy or policies shall be in such amounts, and shall contain such terms, conditions and limitations, as the board shall determine.

Sec. 27. (*Effective from passage*) Notwithstanding the provisions of subdivision (1) of subsection (b) of section 19-13-B33b of the regulations of Connecticut state agencies, as they specifically apply to

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section 26.2 of the Department of Public Health Swimming Pool Design Guide, the Sacred Heart University Whirlpools at the William H. Pitt Center may deviate from the required decking width, provided local rescue personnel provide documentation to the Commissioner of Public Health which attests that a reduced decking will not impair or hinder the rescue of individuals using such whirlpools.

Sec. 28. (*Effective from passage*) Notwithstanding the provisions of subparagraph (c) of subdivision (59) of section 12-81 of the general statutes, any person otherwise eligible for an exemption under said subdivision, relating to a manufacturing facility in the city of Hartford pursuant to subparagraph (a) of said subdivision (59) for grand list year 2003, except that such person failed to make application within the time specified in said subparagraph (c), may submit an application for exemption not later than thirty days after the effective date of this section. The application shall be accompanied by the fee required by section 12-81k of the general statutes. Upon receipt of the application and fee and verification of the exemption eligibility, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the municipality shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the application had been filed in a timely manner. Notwithstanding the provisions of section 12-94e of the general statutes, the municipality may submit such approved exemption application to the Secretary of the Office of Policy and Management. Notwithstanding the time for filing with said secretary specified in section 32-9s of the general statutes, the municipality shall be eligible for payment pursuant to said section 32-9s. Such payment shall be included in the next certification said secretary makes to the Comptroller under the provisions of said section 32-9s.

Sec. 29. (*Effective from passage*) Notwithstanding the provisions of

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subparagraph (c) of subdivision (60) of section 12-81 of the general statutes, any person otherwise eligible for an exemption under said subdivision, relating to a manufacturing facility in the city of Hartford pursuant to subparagraph (a) of said subdivision (60) for grand list year 2003, except that such person failed to make application within the time specified in said subparagraph (c), may submit an application for exemption not later than thirty days after the effective date of this section. The application shall be accompanied by the fee required by section 12-81k of the general statutes. Upon receipt of the application and fee and verification of the exemption eligibility of the machinery and equipment included in such application, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the municipality shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the application had been filed in a timely manner. Notwithstanding the provisions of section 12-94e of the general statutes, the municipality may submit such approved exemption application to the Secretary of the Office of Policy and Management. Notwithstanding the time for filing with said secretary specified in section 32-9s of the general statutes, the municipality shall be eligible for payment pursuant to said section 32-9s. Such payment shall be included in the next certification said secretary makes to the Comptroller under the provisions of said section 32-9s.

Sec. 30. Section 13 of number 148 of the special acts of 1945 and sections 19 and 20 of number 223 of the special acts of 1947 are repealed. (*Effective from passage*)

Approved July 8, 2005